

REMARKS

Claims 1-29 have been previously cancelled and Claims 50-58 are cancelled above, hence Claims 30-49 are pending in this application. Reconsideration in view of the foregoing amendments to all claims and following remarks is respectfully requested.

The rejection of Claims 30-45 and 49 under the second paragraph of 35 U.S.C. § 112 is, in part, obviated by the foregoing amendments and is otherwise respectfully traversed. The term "general" as it applies to Formula (I) has been deleted. The rejection of the term "heteroaryl" as being indefinite is respectfully traversed in that Applicants submit that there are numerous examples of suitable groups falling within the definition of the term in the instant specification so that one of ordinary skill in the art would be appraised of its meaning. However, in an effort to advance the prosecution of this application, Claim 30 is amended to recite that such groups contain 4 to 18 carbon atoms and one or more heteroatoms selected from N, O and S. Support for this language is found in the instant specification in the last full paragraph on page 4. It is submitted that these limitations combined with the examples given in the specification satisfy the requirements of the second paragraph of 35 U.S.C. § 112.

The rejection of Claim 30 in that certain substituents are stated as being preferred is obviated by the deletion of such term therein and also in Claims 31 and 36-44. ears in the claims. The rejection of the term "acyl" as being indefinite as it is not clear what acyls are intended is respectfully traversed. The term is defined in the instant specification at page 5, lines 18-20 as "a radical of general formula RCO, wherein R represents an alkyl, alkenyl, aryl, heteroaryl, cycloalkyl, or heterocycle groups as defined above." It is respectfully submitted that one of ordinary skill in the art, given this definition and the examples illustrated in the compounds enumerated in the instant specification would understand the meaning of the term.

The rejection of the term "heterocycle" as being indefinite is respectfully traversed in that Applicants submit that there are numerous examples of suitable

groups falling within the definition of the term in the instant specification so that one of ordinary skill in the art would be appraised of its meaning. However, in an effort to advance the prosecution of this application, Claim 30 is amended to recite that such groups contain 4 to 18 carbon atoms and one or more heteroatoms selected from N, O and S. Support for this language is found in the instant specification at page 5, lines 8 to 15. It is submitted that these limitations combined with the examples give in the specification satisfy the requirements of the second paragraph of 35 U.S.C. § 112.

In addition to the foregoing amendments, the claims are amended to correct the Markush groupings as being "a member selected from the group consisting of" and to make such other formal amendments to make clear where, for example, a list of substituents on a member of a group ends and the recitation of the members of that group continues. In addition, Claim 30 is amended to recite that, when R7 is a substituted heteroaryl group, the substituents may be one or two members independently selected from the group consisting of halogen, amino, aminoacyl, CONH₂, (C₁-C₆)alkyl, aryloxy and (C₁-C₆)alkyloxy. Support for this language is to be found in the last paragraph of page 7 of the instant specification, in particular lines 28 and 29. This amendment was necessitated in order to provide antecedent support in Claim 30 for Claims 42 and 43. It is respectfully submitted that the claims as amended meet the requirements of the second paragraph of 35 U.S.C. § 112 and the foregoing amendments do not constitute new matter. Withdrawal of the rejections is therefore in order and such action is respectfully requested.

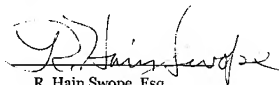
The Examiner indicates that Claim 46 recites an unreasonable number of compounds. While Applicants admit that the claim does contain 116 compounds, Applicants respectfully point out that Claim 30 is free of art and further that the compounds recited in Claim 46 all fall within the purview of Claim 30 and, therefore, are free of art as well. There is no indication in the Office Action under reply of how many compounds would be reasonable. Applicants are willing to divide the list of compounds in Claim 46 into several dependent claims for the Examiner's convenience, but would appreciate receiving an indication of how many compounds should be contained in each.

The rejections of Claims 50-59 under the first and second paragraphs of 35 U.S.C. § 112 is obviated by the cancellation thereof. These claims are cancelled in an effort to expedite the prosecution of Claims 30-49 and does not mean that Applicants agree with the correctness of the rejections. Applicants reserve the right to further pursue Claims 50-59 once the prosecution of Claims 30-49 has been concluded.

Accordingly, it is respectfully submitted that Claims 30-49 meet the requirements of the first paragraph of 35 U.S.C. § 112 and, as no citations have been made of record against them, the above-identified patent application is in condition for allowance. An early Notice of Allowance is courteously solicited. In the event the Examiner deems a further discussion of this application would expedite prosecution to allowance, the undersigned Attorney of Record would welcome the opportunity to hold such a discussion. The Examiner's cooperation in this regard is sincerely appreciated.

A Petition for a two-month Extension of Time with the requisite fee is submitted herewith, thereby providing for the timely filing of this Amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Hain Swope", with a stylized flourish at the end.

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